

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 13, 2018
Time of Incident:	12:01 PM
Location of Incident:	██████████ Street, Chicago, IL
Date of COPA Notification:	March 13, 2018
Time of COPA Notification:	12:53PM

On March 13, 2018, Officers David Perez, #14864, and Brian Ortiz, #10016, responded to a call of a man with a knife. Upon arrival, a female subject, ██████████ was standing outside. ██████████ only spoke Cantonese, so Officer Penny Szeto, #19167, responded to the scene as an interpreter. ██████████ stated that her husband, ██████████ was inside their apartment and attempting to harm himself with a knife. Sergeant Mosquera and Officers Perez, Ortiz, and Szeto entered the residence.

Once inside the apartment, the officers observed that ██████████ was inside a bedroom with the door shut. The officers attempted to open the bedroom door, but the bedroom door was locked. Officer Szeto was able to obtain a key from ██████████ and unlocked the door to the bedroom. When Officer Szeto opened the bedroom door, the officers observed that ██████████ had a knife in his right hand and appeared to have cut himself. The officers ordered ██████████ to drop the knife, but he refused. Officer Perez deployed his taser, but the taser did not appear to have any effect on ██████████ and ██████████ continued to hold onto the knife.

Sergeant Mosquera then deployed his taser and ██████████ screamed but did not drop the knife. ██████████ stepped out of the bedroom, while still holding the knife in his right hand, and made a movement towards the officers. Officer Perez discharged his firearm once striking ██████████ in his left upper thigh. ██████████ fell to the ground and the knife dropped out of his right hand. An ambulance was requested to the scene and transported ██████████ to Stroger Hospital for medical treatment.

II. INVOLVED PARTIES

Involved Officer #1:	PEREZ, David, star # 14864, Employee ID#105436, Date of Appointment: April 01, 2013; Chicago Police Officer; Unit of Assignment: 009; Male Hispanic.
Subject #1:	██████████ Male Asian.

III. APPLICABLE RULES AND LAWS

General Orders

1. G03-02, Use of Force (effective October 16, 2017, to February 29, 2020)
 2. G03-02-01, Force Options (effective October 16, 2017, to February 29, 2020)
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IV. INVESTIGATION

a. Interviews

In a statement with COPA on September 11, 2018, Involved **Officer David Perez**,¹ stated on the date of the incident he was on his way to the police station when he heard a call over the radio regarding a person with a knife. Officer Brian Ortiz was assigned to respond to the call and Officer Penny Szeto was assigned to translate in Cantonese. Officer Perez decided to respond to the scene to assist.² When Officer Perez arrived on scene, he observed Officer Szeto and an Asian female, ██████████

Officer Perez started talking to ██████████ but had trouble communicating with her because she did not speak English. Officer Szeto spoke to ██████████ in Cantonese and translated the conversation to Officer Perez. ██████████ told the officers that her husband, ██████████ was upstairs with a knife and was trying to kill himself.

Officers Perez and Szeto entered the front door of ██████████ two-flat building and proceeded to go upstairs to a second-floor apartment with ██████████. Officer Perez could not get into the second-floor apartment because the door was locked, and ██████████ did not have keys. ██████████ instructed the officers to kick down the door. Officer Perez attempted to kick down the door but was unsuccessful. Officer Ortiz then arrived on the scene. Officers Perez and Ortiz, along with ██████████ made their way to the rear of the residence to gain entry. Officer Perez was able to enter through the rear of the residence by putting his hand through a window and unlocking the back door. Once inside, Officers Perez and Ortiz, along with ██████████ proceeded upstairs to the second-floor apartment.

When the officers reached the second-floor apartment, they observed that the back door was unlocked. The officers entered the apartment and started to check the rooms. Officer Perez opened the front door to the apartment and Officer Szeto and Sergeant John Mosquera³ entered the residence. The officers continued to check the apartment and observed that a front bedroom was locked. Officer Szeto told the officers she heard someone inside the bedroom and that she believed ██████████ was in the locked bedroom.

One of the officers asked ██████████ if there were keys to the bedroom and ██████████ pointed to a set of keys on the floor. Officer Szeto retrieved the keys and unlocked the bedroom door. Once the

¹ Att. 87 – Audio Transcripts of Officer Perez’s Interview.

² Officer Perez was not assigned a partner on the date of the incident.

³ Sergeant Mosquera retired from the Chicago Police Department effective May 16, 2020. *See* Att. 98.

bedroom door was opened, Officer Perez observed [REDACTED] with a knife⁴ in his right hand.⁵ [REDACTED] did not have on a shirt and was bloody.⁶ Officer Perez told [REDACTED] to “drop the knife⁷” several times, but [REDACTED] did not comply. [REDACTED] proceeded to cut himself by raising the knife above his head and striking the top of his head with the knife.

Officer Perez, who stated he was fearing for [REDACTED] safety, deployed his taser⁸. Officer Perez stated that the taser was not effective because it did not make contact with [REDACTED]⁹ [REDACTED] turned and faced the officers with the knife up in his hand. [REDACTED] walked towards the officers,¹⁰ so Officer Perez deployed his taser a second time.¹¹ Officer Perez stated the second time he deployed the taser was for the safety of him and his fellow officers. Officer Perez did not know if the second deployment of the prongs made contact with [REDACTED] or if the taser was not effective.

Sergeant Mosquera approached Officer Perez’s left side and deployed his taser as [REDACTED] started to exit the bedroom. According to Officer Perez, [REDACTED] started to scream and “kinda hunches or bend over¹²,” but still held onto the knife in his right hand. [REDACTED] appeared to try to fight off the taser and continued to go towards the officers who were all in the living room area. [REDACTED] exited the bedroom leaving the officers with nowhere to go.

Officer Perez realized that he had no more cartridges in his taser and had difficulty trying to put his taser in its holder because wires were sticking out from the prongs being deployed. [REDACTED] continued to advance towards Officer Perez, so Officer Perez decided to put his taser in his left hand and get his firearm out with his right hand. Officer Perez pointed his firearm at [REDACTED] and continued to state to [REDACTED] “Drop the knife, drop the knife¹³.”

[REDACTED] continued to close the gap and got within one foot of Sergeant Mosquera. Sergeant Mosquera pushed [REDACTED] forward in an attempt to keep [REDACTED] away from him.¹⁴ Officer Perez stated that [REDACTED] could have cut Sergeant Mosquera at any moment with the knife. Officer Perez then discharged his firearm once striking [REDACTED]¹⁵ Officer Perez stated that his primary concern at the moment he discharged his firearm was for his safety, the safety of Sergeant Mosquera because he was closest to [REDACTED] and for the safety of the other officers because [REDACTED] could have cut any officer because they were all within close proximity of [REDACTED] immediately dropped the knife,

⁴ Officer Perez described the knife as a meat cleaver. Officer Perez also called the knife a butcher knife and described it as five to seven inches long with a three-inch blade.

⁵ [REDACTED] was holding the knife down by his right side.

⁶ Officer Perez stated [REDACTED] had blood all over his face, chest, and back. [REDACTED] also had blood coming from his head to his face and front chest area.

⁷ Att. 87, Page 15, Lines 6-8.

⁸ Officer Perez described deploying his taser as two prongs extending from the taser. There were two cartridges inside Officer Perez’s taser, and each cartridge had two prongs.

⁹ Officer Perez stated that one of the prongs did not make contact with [REDACTED] and he was unsure if the second prong made contact with [REDACTED]

¹⁰ Officer Perez stated at this time [REDACTED] was approximately ten feet away from him.

¹¹ Officer Perez deployed his taser both times while standing in the living room area which was adjacent to the bedroom where [REDACTED] was located.

¹² Att. 87, Page 47, Line 10.

¹³ Att. 87, Page 17, Line 17.

¹⁴ Officer Perez stated that Sergeant Mosquera was less than a foot, if that, from [REDACTED] at this point.

¹⁵ Officer Perez stated he was still approximately ten feet from [REDACTED] when he discharged his firearm.

screamed, and fell to the ground. Officer Perez approached [REDACTED] and kicked the knife away from him.¹⁶ Officer Perez then reported shots fired and taser deployment and requested an ambulance again¹⁷ to come to the scene.

In a statement with COPA on June 18, 2018, **Witness Sergeant John Mosquera**¹⁸ stated on the date of the incident he responded to the scene. When Sergeant Mosquera arrived on scene, he entered the front door of the building and encountered Officer Szeto. Sergeant Mosquera realized that he could not get into [REDACTED] apartment and Officer Szeto told him that Officers Perez and Ortiz [REDACTED] around the back to try to enter the apartment. A few minutes later, Officers Perez and Ortiz opened the front door to [REDACTED] apartment. Sergeant Mosquera and Officer Szeto entered the apartment. Officer Szeto attempted to enter the bedroom where [REDACTED] was located, but the door was locked.

[REDACTED] told Officer Szeto¹⁹ that there were some keys on the floor, so Officer Szeto picked up the keys and unlocked the bedroom door. Once the door was open, Sergeant Mosquera observed [REDACTED] with a knife²⁰ in his right hand. [REDACTED] appeared to strike himself once with the knife on the top of his head.²¹ [REDACTED] was bleeding from his head, around his neck area, and his chest. Sergeant Mosquera described the knife as stainless steel and about ten to twelve inches long.

Sergeant Mosquera stepped to the left of the bedroom door so he could get in a tactical position. Sergeant Mosquera described the tactical position as being in a position where all the officers are not bunched up together. Officers Perez and Szeto started yelling at [REDACTED] to drop the knife.²² As Sergeant Mosquera stood to the left of the bedroom door, he took out his taser. [REDACTED] started to walk towards the bedroom's doorway²³ and Officer Perez deployed his taser at [REDACTED]. Sergeant Mosquera stepped to the right and observed [REDACTED] standing in the threshold holding the knife. Sergeant Mosquera tased [REDACTED]²⁴ but [REDACTED] did not drop the cleaver. Sergeant Mosquera tased [REDACTED] again,²⁵ and [REDACTED] still did not fall or drop the knife.

[REDACTED] started to back up towards Sergeant Mosquera and Sergeant Mosquera put his hand on [REDACTED] back. Sergeant Mosquera stated at that time he was within three feet of [REDACTED] was still holding onto the meat cleaver in his right hand, in an upper position by his chest area, to either strike back or come around towards Sergeant Mosquera. Sergeant Mosquera attempted to create distance from [REDACTED] and then he heard a gunshot. Sergeant Mosquera stated that Officer Perez discharged his firearm for the safety of Sergeant Mosquera and the other officers because [REDACTED] was coming towards Sergeant Mosquera with the meat cleaver and could have struck him.

¹⁶ Att. 87, Page 18, Lines 24-1.

¹⁷ Officer Perez stated he requested an ambulance to come to the scene prior to them opening the bedroom door.

¹⁸ Att. 81 – Audio Transcripts of Sergeant Mosquera's Interview.

¹⁹ Sergeant Mosquera stated he believed that Officer Szeto was speaking to [REDACTED] in Chinese.

²⁰ Sergeant Mosquera referred to the knife as a meat cleaver. Att. 81, Page 16, Line 19.

²¹ Sergeant Mosquera stated that the meat cleaver [REDACTED] towards [REDACTED] head, but he did not know if it made contact. Att. 81, Page 17, Line 18.

²² Sergeant Mosquera stated that Officer Szeto yelled at [REDACTED] to drop the knife in Chinese.

²³ Sergeant Mosquera stated he could not see [REDACTED] at that time, so he guessed that [REDACTED] started to walk towards the doorway.

²⁴ Sergeant Mosquera stated the taser cycle was for five seconds.

²⁵ Sergeant Mosquera stated that he arched his taser. Att. 81, Page 9, Lines 16-17. Arching is a function of the taser that administers another electric pulse on the same cartridge that has been previously deployed.

In a statement with COPA on June 18, 2018, **Witness Officer Brian Ortiz**²⁶ stated that on the date of the incident he responded to the location of incident. After entering the rear second-floor apartment with Officer Perez, Officer Perez opened the front door for Officer Szeto and Sergeant Mosquera. Officer Ortiz stated that Officer Perez or Officer Szeto attempted to open the door to a bedroom located in the front of the house, but it was locked. █████ gave Officer Szeto a set of keys to unlock the bedroom door and Officer Ortiz motioned for █████ to come back towards him²⁷ and step out onto the back porch. After the bedroom door was unlocked, Officer Ortiz heard Officers Perez and Szeto yell commands to “drop the knife²⁸” and he started making his way towards the bedroom. Once Officer Ortiz was near the bedroom, he could not see into the bedroom because Officer Perez was standing in front of him with his taser out and he did not want to cross in front of the taser. Officer Perez then deployed his taser. Officer Ortiz holstered his taser²⁹ because he figured he was about to go hands on with █████ but Officer Perez told the officers that he missed.

Officer Ortiz then heard another taser deployment but did not know who deployed the taser at that time.³⁰ Officer Ortiz stated he could not see into the bedroom because he was against the wall. █████ emerged from the bedroom³¹ holding a knife³², up in the air, in his right hand and started moving in the direction³³ of Sergeant Mosquera. Officer Ortiz then heard a gunshot and realized Officer Perez discharged his firearm at █████ screamed in pain, dropped the knife, and fell to the ground.

In a statement with COPA on June 18, 2018, **Witness Officer Penny Szeto**³⁴ stated that on the date of the incident she was assigned to the 9th District as a CAPS³⁵ Officer. Officer Szeto was in the 9th District when she heard via radio a male with a knife threatening his wife. Officer Szeto stated that the dispatcher asked if she could respond to the incident to translate in Cantonese.³⁶

When Officer Szeto arrived on the scene, Officer Perez was already there. Officer Szeto observed █████ standing outside and asked her what was going on. █████ told Officer Szeto that her husband, █████ had a knife, and was trying to kill himself. Officer Szeto asked █████ “Did he try to harm you?” and █████ stated, “No.”³⁷ Officers Szeto and Perez attempted to enter the second-floor apartment with █████ but the door was locked. Officer Ortiz arrived, and he and Officer Perez walked to the back of the building with █████ Officer Szeto stayed by the front door in case █████ came out. As Officers Perez and Ortiz walked to the back of the building, Sergeant Mosquera

²⁶ Att. 82 – Audio Transcripts of Officer Ortiz’s Interview.

²⁷ Officer Ortiz stated he was by the hallway/█████ area at that time.

²⁸ Officer Ortiz explained that Officer Szeto issued her commands in Cantonese.

²⁹ Officer Ortiz stated he had his taser out when he entered the apartment.

³⁰ Officer Ortiz stated that he learned after the incident that Sergeant Mosquera deployed his taser the second time.

³¹ Once █████ emerged from the bedroom, Officer Ortiz observed he was full of blood and bleeding from his head.

³² Officer Ortiz described the knife as a meat cleaver that was ten inches long with a blade seven to eight inches in length, and three to four inches wide.

³³ Officer Ortiz stated that █████ moved sideways/backwards towards Sergeant Mosquera.

³⁴ Att. 83 – Audio Transcripts of Officer Szeto’s Interview.

³⁵ Chicago Alternative Policing Strategy.

³⁶ Att. 83, Page 6, Lines 9-10.

³⁷ Att. 83, Page 7, lines 16-17.

arrived on the scene. Officer Szeto told Sergeant Mosquera that the front door to the apartment was locked, and that they tried to kick it in. About two minutes later, Officer Perez opened the front door for Officer Szeto and Sergeant Mosquera.

Once Officer Szeto was inside the apartment, Officer Szeto heard fumbling coming from a bedroom. Officer Szeto attempted to open the bedroom door, but the door was locked. Officer Szeto asked [REDACTED] if there were keys for the bedroom door and [REDACTED] picked up keys off the living room floor and handed them to Officer Szeto. Officer Szeto unlocked the door to the bedroom and observed [REDACTED] bleeding from his head and holding up a knife³⁸. Officer Szeto described the knife as six inches long with a sliver blade.³⁹ Officer Perez told [REDACTED] to drop the knife and directed Officer Szeto to translate in Cantonese for [REDACTED] to drop the knife. Officer Szeto told [REDACTED] in Cantonese, to give her the knife but [REDACTED] started to “hack⁴⁰” himself with the meat cleaver.

Officer Szeto then heard a taser,⁴¹ and Officer Perez stated that he had missed. [REDACTED] was not affected by the taser and was still holding onto the knife. Officer Szeto then heard another taser and later realized Sergeant Mosquera deployed his taser. [REDACTED] who was in the doorway of the bedroom, started to stiffen up with the knife in his hand. Officer Szeto holstered her taser because she believed she was about to go hands on with [REDACTED] started to walk out of the bedroom and got within arm’s reach of Sergeant Mosquera, so Officer Szeto started to withdraw her firearm. Sergeant Mosquera put his hand on [REDACTED] to push him away because [REDACTED] was within one foot of him. Officer Szeto then heard a gunshot and [REDACTED] fell to the floor. Officer Szeto learned that Officer Perez discharged his firearm.

b. Digital Evidence

Body-Worn Camera Footage (BWC)⁴²

BWC footage from **Officer Perez**⁴³ depicts him arriving at the location of incident at T16:53:53⁴⁴. Officer Perez exits his vehicle and attempts to speak to a pregnant woman, [REDACTED] but has difficulty communicating with her in English. [REDACTED] states her husband, [REDACTED] is upstairs by himself. Officer Perez asks [REDACTED] what [REDACTED] was doing with the knife, and she states that she did not know and to help her. Officer Szeto⁴⁵ is also on the scene and speaks to [REDACTED] in Cantonese. At T16:54:45, Officer Perez walks up the stairs to the second-floor apartment but cannot get in. At T16:55:17, Officer Perez attempts to kick the door in several times to no avail. Officer Szeto speaks to [REDACTED] in Cantonese and asks her about keys to get inside the apartment. Officer Ortiz arrives on the scene as Officer Perez attempts to gain entry into the apartment.

³⁸ Officer Szeto described the knife as a butcher knife and meat cleaver. Att. 83, Page 8, Line 15 and Page 18, lines 14-15.

³⁹ Officer Szeto could not recall which hand [REDACTED] was holding the knife in.

⁴⁰ Att. 83, Page 8, Line 21.

⁴¹ Officer Szeto stated she does not know who’s taser [REDACTED] off because she was focused on [REDACTED]

⁴² Atts. 38-65, BWC was reviewed from all officers who responded to the scene.

⁴³ Att. 38 – BWC Officer Perez.

⁴⁴ This is the actual time used on Officer Perez’s BWC.

⁴⁵ Officer Szeto is not in the camera’s view.

At T16:56:15, Officer Perez walks to the rear of the apartment building. Officer Ortiz and █████ walk ahead of Officer Perez. At T16:57:27, Officers Perez and Ortiz enter the rear of the apartment building and go upstairs to the second-floor apartment. After entering the second-floor apartment, Officers Perez and Ortiz check the rooms in the rear of the apartment. At T16:59:09, the officers open the front door of the apartment and let Sergeant Mosquera and Officer Szeto inside. At T16:59:32, Officer Szeto tells the officers that █████ is inside a bedroom that was locked, and she needs a key. █████ gives Officer Szeto a key to unlock the bedroom door. At T17:00:09, Officer Szeto unlocks the bedroom door. █████ is in the bedroom holding a knife in his right hand. Officer Szeto alerts the officers that █████ cut himself. The officers tell █████ to “drop the knife”⁴⁶ repeatedly.

At T17:00:28, █████ raises the knife and appears to strike himself on the top of his head. Officer Perez deploys his taser at █████⁴⁷ but █████ does not appear to be affected by the taser. At T17:00:34, Sergeant Mosquera deploys his taser as Officer Perez deploys his taser again. Officer Perez then points his firearm at █████ At T17:00:41, a taser sound is heard.⁴⁸ █████ screams and exits the bedroom while still holding the knife in his right hand. At T17:00:44, Sergeant Mosquera backs up and puts his left arm out as █████ moves backward in his direction while still holding onto the knife. The officers continue to tell █████ to drop the knife. At T17:00:44, Officer Perez discharges his firearm at █████ striking him. █████ continues to scream, drops the knife, and falls to the ground.⁵⁰

Office of Emergency Management and Communications⁵¹ and **Event Query**⁵² documented that a female caller called 911 and reported that a pregnant Chinese female (█████) asked her to call the police because her husband (█████) threatened her with a knife. █████ ran outside and █████ still had the knife.

c. Physical Evidence

Evidence Technician Photographs⁵³ and **Video**⁵⁴ depict the scene and the recovered evidence.

A **Chicago Fire Department Ambulance Report**⁵⁵ document that paramedics found █████ with a gunshot wound and multiple lacerations to his neck and body. █████ was transported to Stroger Hospital for treatment.⁵⁶

⁴⁶ Att. 38 at 17:00:18.

⁴⁷ █████ did not have on a shirt.

⁴⁸ During his statement to COPA, Sergeant Mosquera stated that he ARC his taser to send another electric shock to █████ Att. 81, Page 22, Lines 13-14.

⁴⁹ █████ has blood on his face and chest area when he exits the bedroom.

⁵⁰ Officer Szeto stated she was not assigned a BWC on the date of the incident because she was assigned to the CAPS office.

⁵¹ Att. 80.

⁵² Atts. 21-22.

⁵³ Atts. 31-37.

⁵⁴ Att. 95.

⁵⁵ Att. 97.

⁵⁶ An attempt to obtain █████ medical records from Stroger Hospital was unsuccessful. See Att. 67.

CPD Crime Scene Processing Report⁵⁷ 362709 documented the evidence identified, collected, and inventoried in connection with this incident. The following is a list:

- Inventory #14125039 – Approximately eight-inch bloody silver meat cleaver, recovered from bedroom floor.
- Inventory #14125044 – Approximately seven-inch broken bloody knife blade recovered from bedroom floor.
- Inventory #14125070 – Two taser prongs with wire; One recovered from bedroom bed and one from bedroom wall.
- Inventory #14125075 – Taser prong recovered from living room floor and pair of taser prongs with wires recovered from floor under east window in living room.
- Inventory #14125077 – 9mm Luger + P Win fired cartridge case recovered from living room floor by door.
- Inventory #14125112 – Officer Perez’s firearm, a Glock model 17 Gen 4, 9mm, semi-automatic pistol with seventeen (17) 9mm Luger + P Win unfired cartridge cases⁵⁸.
- Inventory #14125184 – Fired bullet recovered from floor behind tv in living room.

Illinois State Police (ISP) Forensic Science Laboratory Report dated April 19, 2018,⁵⁹ documented that Officer Perez’s firearm,⁶⁰ a Glock model 17 Gen 4, 9mm Luger caliber semi-automatic pistol, serial #BERL959, was operable as received and test fired. One Winchester 9mm Luger + P caliber fired cartridge case (Inventory #14125077) and a fired bullet (Inventory #14125184) were examined and revealed that they were both fired from Officer Perez’s firearm.

d. Documentary Evidence

An **Arrest Report**⁶¹ and the **Original Case Incident Report**⁶² for Aggravated Assault – Peace Officer/Weapon (four counts) documented that uniformed Chicago Police Officers (victims) responded to a man with a knife call. ██████ was placed in custody for aggravated assault of a police officer after receiving multiple commands in English and Cantonese to drop a large meat cleaver. ██████ emerged from a bedroom with cleaver in hand closing the distance between ██████ and the officers, therefore placing all officers in immediate apprehension of receiving a battery. Officer Perez, being in fear for his and other officer’s lives, discharged his service weapon striking offender in the upper thigh causing ██████ to drop cleaver and fall to the floor.⁶³

The Case Supplementary Report⁶⁴ documented that detectives spoke with ██████⁶⁵ ██████ stated he was involved in a traffic accident earlier in the month and sustained a head injury during the crash. ██████ stated that although he did not feel right after the accident, he did not seek medical

⁵⁷ Att. 28.

⁵⁸ Officer Perez’s firearm had a capacity of seventeen plus one in the chamber. There were sixteen (16) unfired cartridge cases recovered from the magazine and one (1) unfired cartridge case recovered from the chamber.

⁵⁹ Att. 72.

⁶⁰ Inventory #14125112.

⁶¹ Att. 7.

⁶² Att. 8.

⁶³ Att. 99 and 100 - ██████ criminal case is still pending.

⁶⁴ Att. 90.

⁶⁵ COPA attempted to interview ██████ without success. *See* Att. 92.

treatment for the injury. ██████ stated that earlier in the day he went with ██████ to a doctor's appointment regarding her pregnancy. ██████ stated that during the visit, the doctor would not talk to him about the pregnancy. ██████ stated that after the doctor visit, he and ██████ returned home. ██████ stated that he is ashamed of "wearing the green hat," meaning that in the Chinese culture his wife had been taken away by another man.⁶⁶ ██████ believed that the baby that ██████ was carrying is not his child. ██████ stated that while at home, he felt suicidal and wanted the police to kill him. ██████ added that he did not want to hurt the police, but he wanted them to hurt him. ██████ stated he wished to return to China.⁶⁷

A **Tactical Response Report (TRR)**⁶⁸ completed by Officer Perez documented ██████ did not follow verbal directions, caused an imminent threat of battery with a weapon, and used force likely to cause death or great bodily harm. ██████ was armed with a knife/cutting instrument which he used/attempted to attack a member. Officer Perez force mitigation efforts were member's presence, zone of safety, movement to avoid attack, tactical positioning, verbal direction/control techniques, and additional unit members. Officer Perez used his taser⁶⁹ and semi-auto pistol in response to ██████ actions. Officer Perez fired his firearm once at ██████

A **TRR**⁷⁰ completed by Sergeant Mosquera documented ██████ did not follow verbal directions, caused an imminent threat of battery with a weapon, and used force likely to cause death or great bodily harm. ██████ was armed with a knife/cutting instrument which he displayed, not used. Sergeant Mosquera force mitigation efforts were member's presence, movement to avoid attack, tactical positioning, verbal direction/control techniques, and additional unit members. Sergeant Mosquera used his taser⁷¹ in response to ██████ actions.

A **Firearm Qualification Report**⁷² documented that Officer Perez qualified with his firearm on February 5, 2018⁷³.

CPD's Bureau of Internal Affairs conducted an **alcohol and drug test**⁷⁴ of Officer Perez on March 3, 2018, beginning at approximately 3:17 p.m., which revealed that there were no drugs or alcohol in his system.

V. LEGAL STANDARD

The applicable standard of proof is preponderance of the evidence. A **preponderance of evidence** has been satisfied when the evidence indicates that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁶⁶ Detectives clarified that in the Chinese culture this is very embarrassing.

⁶⁷ Att. 94 – ██████ provided an Electronically Recorded Interview (ERI) to detectives.

⁶⁸ Att. 9.

⁶⁹ Probe discharge.

⁷⁰ Att. 10.

⁷¹ Probe discharge.

⁷² Att. 96

⁷³ Officers have to annually qualify with their firearms. Firearm qualifications are good for one year.

⁷⁴ Att. 25

VI. ANALYSIS AND CONCLUSION

i. Applicable Department Policies

1. G03-02: Use of Force⁷⁵

The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁷⁶

Factors to be considered by the officer include but are not limited to: whether the subject is posing an imminent threat to the officer or others; the risk of harm, level of threat or resistance presented by the subject; and the subject's proximity or access to weapons.

Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that maybe necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.

Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to: firing of a firearm in the direction of the person to be arrested; firing of a firearm at a vehicle in which the person to be arrested is riding; intentional striking of a subject's head with an impact weapon; and application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.

A threat is imminent when it is objectively reasonable to believe that: the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; the subject has the means or instruments to cause death or great bodily harm; and the subject has the opportunity and ability to cause death or great bodily harm.

2. G03-02-01: Force Options⁷⁷

Per Department policy, all uses of force must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a subject.

An assailant is a subject who is using or threatening the use of force against another person or themselves which is likely to cause physical injury. Assailants are divided into two categories:

⁷⁵ Chicago Police Department, General Order G03-02, effective October 16, 2017 to February 29, 2020.

⁷⁶ *Id.* at (III)(B)(1).

⁷⁷ Chicago Police Department, General Order G03-02-01, effective October 16, 2017 to February 29, 2020.

(1) a subject whose actions are aggressively offensive with or without weapons; and (2) a subject whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person. When dealing with an assailant whose actions constitute an imminent threat of death or bodily harm, Department policy authorizes the use of firearms and other deadly force responses.

b. Legal Analysis

Chicago Police Department's General Order 03-03-03, Section III. Paragraph C (Firearms Discharge Incidents Involving Sworn Members) states that "Department members are authorized to use a firearm in deadly force incidents against an **assailant** as a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person," and, "

Chicago Police department's General Order 03-02 (Use of Force) defines an objectionably reasonable imminent threat as when, 1) the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless actions is taken; 2) the subject has the means or instruments to cause death or great bodily harm; and 3) the subject has the opportunity and ability to cause death or great bodily harm. The Order continued:

"A sworn Department member may use deadly force only when such force is necessary to prevent:

- a. Death or great Bodily harm from an imminent threat posed to the sworn member or to another person.
- b. An arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."

A preponderance of the evidence demonstrates that Officer Perez' use of deadly force was objectively reasonable in light of the totality of circumstances he faced in this incident. Officer Perez' use of deadly force was a last resort and was necessary to prevent the imminent threat of death or great bodily harm presented by ██████ to ██████ and members. Based upon the below factors, COPA finds that ██████ posed an imminent threat of death or great bodily harm.

First, it was objectively reasonable for Officer Perez to believe that ██████ actions were immediately likely to cause death or great bodily harm to ██████ and/or other members unless action was taken. Here, officers were dispatched to respond to a person with a knife call who was expressing suicidal thoughts. Upon arrival to the scene of the call, officers located an armed ██████ in a single-entry bedroom who was yelling and harming himself. Officer Perez, and other officers issued orders for ██████ to drop the knife; but ██████ did not comply. Officer Perez then deployed his taser in an attempt to disarm ██████ however, the taser was not effective. ██████ responded by approaching the officers while still holding the knife. Sergeant Mosquera then deployed his taser at ██████ however, it too was not effective. In response ██████ still armed with the knife, continued to approach members, to the point he was within an arm's length of Sergeant Mosquera. Officer Perez then discharged his firearm once time striking ██████ and causing him to drop the knife and

fall to the ground. Officer Perez’ firearm discharge was in direct response o [REDACTED] actions that were immediately likely to cause death or great bodily harm.

Second, it was objectively reasonable for Officer Perez to believe that [REDACTED] had the means or instruments to cause death or great bodily harm. Officer Perez was directly aware that the call to officers was a person with a knife call threatening self-harm. Officer Perez personally witnessed [REDACTED] brandish a knife and use it to injure himself. The interviews, documentary, and digital evidence support a conclusion that [REDACTED] had a knife used to harm himself and possessed as he closed the distance on the members.

Third, it was objectively reasonable for Officer Perez to believe that [REDACTED] had the opportunity and ability to cause death or great bodily harm. Officer Perez saw [REDACTED] holding the knife and harming himself. As the members attempted to disarm [REDACTED] by deploying their tasers, an armed [REDACTED] began to approach them. Several members, in two languages, ordered [REDACTED] to put down the knife and show his hands; but he failed to do so and continued to approach the members, to the point he was within an arm’s reach of Sergeant Mosquera. The interviews, documentary, and digital evidence support that [REDACTED] was armed and presenting a threat to himself and members on scene until Officer Perez discharged his weapon.

Additionally, COPA acknowledges that all members on scene took great effort to disarm [REDACTED] without having to use deadly force, and that only when [REDACTED] failed to discard his knife and continued to approach members, did Officer Perez use deadly force.

Therefore, COPA finds that, by a preponderance of the evidence, including the consistent witness accounts provided by the involved officers, Officer Perez’s use of deadly force against [REDACTED] was objectively reasonable, and thus, within the policy of the Chicago Police Department.

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Investigator

11-8-2022

Date

[REDACTED]

Andrea Kersten
Chief Administrator

11-8-2022

Date